

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

Nancy Quintana,

Plaintiff,

No. \_\_\_\_\_

vs.

New Mexico Department of Transportation,

Defendant.

**COMPLAINT FOR VIOLATIONS OF TITLE VII**

Plaintiff alleges:

1. This action arises under Title VII of the Civil Rights Act of 1964, 42 USC § 2000e, et seq. This Court is vested with jurisdiction pursuant to 42 USC § 2000e-5(f)(3).
2. At all times relevant to this Complaint, Plaintiff resided within the District of New Mexico.
3. Defendant is an agency of the State of New Mexico.
4. The events giving rise to this claim occurred in the judicial District of New Mexico.
5. Plaintiff filed a claim for racial discrimination in 2019. A 'Notice of No Probable Cause' was issued.
6. On November 17, 2022, Plaintiff was passed over for a promotion, even though she had strong reviews and was the only candidate for the position.
7. Defendant re-advertised the position, and on the second occasion they hired another person for the position. Plaintiff was the most qualified for the position on the

second interview process. In fact, she had actually held the position previously. She was the only candidate who had held this position previously.

8. She was passed over both times as retaliation for her prior claim for racial discrimination.

9. All told, Plaintiff applied for eleven positions with Defendant.

10. One of the positions that Plaintiff applied for was the Management Analyst-Operational (MA-O) position. The Respondent offered it to Traci Rodriguez and then Hassan Raza. Both resigned rather than taking the position.

11. Plaintiff was the next highest scorer after Hassan Raza resigned. Noticeable, when Ms. Rodriguez resigned, Defendant moved to the next candidate in line, Hassan Raza. When Hassan Raza resigned, Defendant readvertised the position. This was in retaliation for Plaintiff's prior discrimination claim.

12. The decision to readvertise instead of offering the position to Plaintiff was made by Lisa Vega, who knew of Plaintiff's racial discrimination charge.

13. It is unlawful for an employer to discriminate against an employee because they opposed an unlawful employment practice. 42 USC § 2000e-3(a). The refusal to hire Plaintiff when she was the most qualified candidate for an open position by a supervisor who had knowledge of her EEO activity violates Title VII.

14. Plaintiff submitted this charge to the New Mexico Human Rights Bureau, which dual filed the charge with the EEOC. The EEOC issued a right to sue determination on October 18, 2023. This complaint is being timely filed within 90 days

of receipt of that determination.

15. The refusal to enter into an employment contract with Plaintiff in retaliation for her prior discrimination claim also violates Plaintiff's right to make and enforce contracts" under 42 USC § 1981(a).

16. Plaintiff has suffered emotional harm and mental anguish and does demand damages for these harms.

17. Plaintiff is entitled to recover, and does hereby demand, all remedies permitted by Section 1981 and Title VII, including financial damages, forced hire, attorneys' fees, emotional harm damages, and such other relief as the Court deems appropriate.

18. Plaintiff demands a jury trial against Defendant for all claims so triable.

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